

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JAMES WALTER RODGERS

PETITIONER

v.

No. 1:05CV216-D-D

LAWRENCE KELLY, ET AL.

DEFENDANTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated April 12, 2006, and the April 19, 2006, objections to the Report and Recommendation, the court finds that the petitioner's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated April 12, 2006, is hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. That the Magistrate Judge's Report and Recommendation is hereby **APPROVED AND ADOPTED** as the opinion of the court.

3. That the instant petition for a writ of *habeas corpus* is hereby **DISMISSED** with prejudice and without evidentiary hearing as untimely filed under 28 U.S.C. § 2244(d).

4. That in light of this holding, the petitioner's March 22, 2006, "Motion for Voluntary Dismissal" is hereby **DENIED**.

5. That this case is **CLOSED**.

THIS, the 8th day of November, 2006.

/s/ Glen H. Davidson
CHIEF JUDGE